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OIL PORTRAITS.

HARRISON WINS SUIT

AGAINST THE MEMBERS
OF HAGEY CURE COMPANY

Juries Drawn in Other Cases—Supreme
Court Making Progress—
Another Spendthrift
Case Inning.

T. M. Harrison was yesterday af-
ternoon awarded \$9900 with interest
at 6 per cent from March 10, 1898, to
date against J. A. Magoon and all the
rest of the members of the Hagey Cure
Company.

After hearing evidence and argu-
ment on the question of whether the
defendants had knowledge that Juror
Vincent Fernandez had taken the
Hagey cure—the question of whether
Fernandez was disqualified from hav-
ing been a subject of the cure had
previously taken up several days of
controversy—Judge Gear overruled
the motion to withdraw Fernandez
from the jury. In the course of his
opinion he stated that it was only in
extraordinary cases that such a thing
could be done, and he did not believe
the facts in this case warranted such
action. He stated that there were two
liquor men on the jury, and they were
likely to be just as much prejudiced
one way or the other as Fernandez.
The court stated further that he had
no doubt that the Supreme Court
would take great pleasure in overrul-
ing him if he had the slightest occa-
sion, but he did not believe he was
wrong in this instance, and the facts
would not justify the court in setting
aside a verdict which it had taken two
weeks to secure. The defendants ex-
pected to the ruling, and will in all
probability take an appeal to the Su-
preme Court.

During a lull in the Hagey cure case
a jury was drawn in the case of A. W.
Magoon vs. Nicholas. This is a suit
for \$5000 damages for injuries receiv-
ed by plaintiff from being run over by
a horse driven by defendant. The jury
was secured only after a general ex-
amination and is as follows: Joseph
Marler, Jas. H. Shaw, E. Buffan,
dean, H. N. Almy, W. J. Heilbron,
George K. Fox, George R. Ronitz,
Jas. A. Lawelaw, Frederick Angua,
F. C. Bortelmann, David K. Bent
and Manuel E. Silva. The case was
taken up at noon yesterday,
day, but upon the representation of At-
torney Davis that he would not have
time for lunch, the case was set for
today at 12:30 and the attorney ad-
monished to spend the remaining time
in eating.

The first of the three Kapuni Es-
tate cases was taken up yesterday and
a jury sworn just before adjournment.
It is composed as follows: W. H.
Jones, Geo. Andrade, Emil Hammer,
James K. Pakole, Henry Z. Austin,
Abraham D. Holster, Henry Zerbe, Ed-
ward Montgomery, Geo. H. Awa, J. J.
Smithies, James H. Black and Chas.
Atherton. This is the suit of eject-
ment against Peck & Co. and involves
a title to valuable property at Ka-
hala.

F. M. Hatch was called as an as-
sociate justice to sit with the Supreme
Court yesterday, by agreement be-
tween the attorneys in the case of
Gustaf F. Ropert, trustee, vs. John
K. Sumner. This is an appeal from
Judge Little's decision sustaining a mo-
tion for nonsuit brought by the defend-
ants. The plaintiffs appealed. Argu-
ments were made yesterday by T.
McCaus Stewart and S. M. Ballou.

In the morning the Supreme Court
heard the concluding arguments in the
Kamala case.

In the case of Q. H. Berrey vs. Geo.
W. Harrison, Judge Gear rendered a
decision for defendant. This was a
suit upon note, which Harrison claim-
ed to have paid.

Motion for default has been made in
the case of H. Hackfield & Co. vs. K.
Ito.

An amended complaint has been filed
in the case of Enoke Pomba vs. E.
Lillehua. This is a suit for \$2000
damages for false arrest.

An answer making a general denial
has been filed in the case of Lewis &
Co. vs. Ben Guerrero.

Judge Little held a brief session of
court yesterday morning, to hear argu-
ments to have Magoon's appeal in the
spendthrift case of Kalua Kapuni
stricken from the files. It was con-
tended that he had no authority to ap-
peal, as he had been repudiated by his
exward, and that he could not appeal
in two cases by the filing of one bond.
Judge Little held, however, that once
an appeal was perfected jurisdiction
was taken out of his hands, and it was
now a question for the consideration
of the Supreme Court.

Next Saturday (Oct. 19th), the Puna-
hou Athletic Club's team, composed of
alumni, will play football against the
Cahu College team at Punahou. J.
Waterhouse is captain and Wm. Wil-
liamson, manager of the Punahou Ath-
letic Club.

Prominent Figures In the Schley Court of Inquiry.

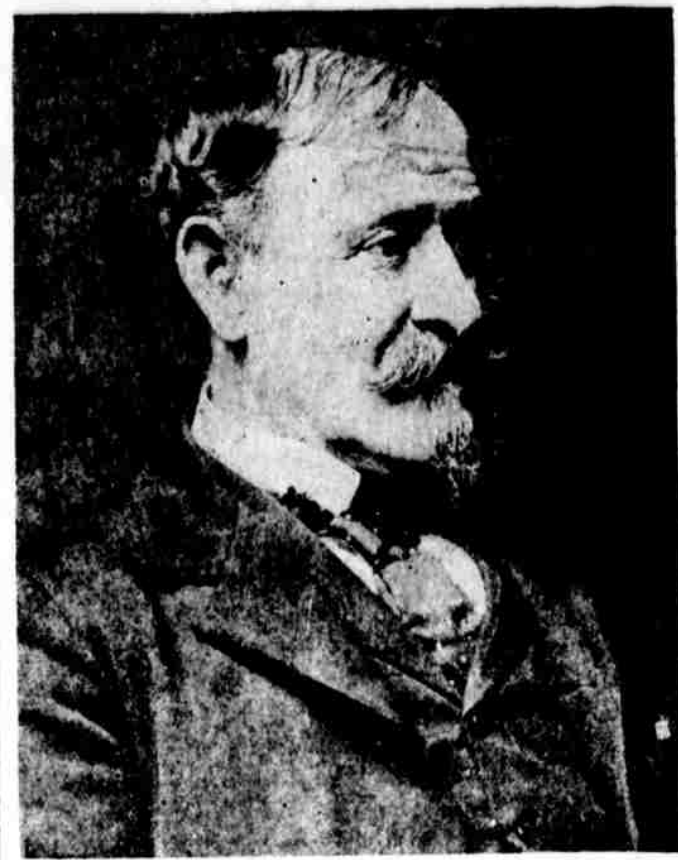


Photo by Taylor, Washington.
REAR ADMIRAL WINFIELD SCOTT SCHLEY.

ON HAMAKUA FIRES

DAVID HAUGHS SENDS
IN HIS SECOND REPORT
Recommends That Government Forests
Be Fenced Off and That
New Seeds be Planted
In Burned Soil.

David Haughs, head of the govern-
ment nursery and expert forester,
handed in the following report to Wray
Taylor, Commissioner of Agriculture
and Forestry, yesterday:

Honolulu, Oct. 14, 1901.
Sir: I herewith submit a report of
my second visit to the fires in the Ha-
makua forest. This visit was made in
company with Superintendent J. H.
Boyd and Mr. Campbell.

The first day, September 18th, we
met A. Horner and Mr. Carter, who ex-
plained and guided us through what is
called the Fire line and the Bee fire.
Although arriving there late in the af-
ternoon of that day, after having rid-
den from Kawaihae, we had time to
thoroughly investigate the tremen-
dous devastation that was being done
by these fires and the great difficulty
to be encountered in trying to check
them. I say check them, for we are
confident that those fires must either
burn themselves out or be drowned by
a deluge of rain before they are entire-
ly subdued.

On September 19th we started from
Kahala, where we stayed over night.
Our kind host supplying us with fresh
meats, we started for the fire of July
1900. Mr. Walker, manager of Oookala
plantation, joined us at G. Osborn's
coffee plantation. This coffee planta-
tion was almost entirely destroyed by
this fire and the scorched trees stand-
ing withered and dry were pitiful to
look at. We then continued our jour-
ney towards the fire. After traversing
the burned district for several miles,
we arrived at the camp erected for the
men who are fighting this fire. The
method adopted in trying to check the
fires is by digging trenches one foot
deep and from two to four feet wide all
around the burning section, and . . .

continual watching in case of sparks
flying over and lighting in the unburned
section. In windy weather great diffi-
culty is experienced and many in-
cidents have to be seen where sparks
have carried over the trench and start-
ed on the other side. These in turn
have to be dealt with in the same man-
ner before they get time to spread.
Mr. Horner, Mr. Walker and Mr. Car-
ter have men night and day doing this
work. It is costing quite a lot of money,
but it is money well spent. The work
is being done and the money is being
spent by Mr. Horner and in confi-
dence that the Legislature will do the
fair thing by them and reimburse them
for the money they are spending in
trying to save the government forests.
The fires have been mostly on govern-
ment lands and as there was no ap-
propriation to draw from for such
work, it is fortunate that those pa-
triotic citizens came forward and lent
a helping hand in the way they have
done. After visiting this fire we re-
turned again to Waimea, intending to
go on to Kohala on Monday morning,
September 20th. On Sunday evening, A.
Horner telephoned that a fire had start-
ed in a field of trash on the Paailua
plantation and that it had spread into
a ravine, and from there into a field of
cane belonging to a Portuguese, burn-
ing about 45 acres of cane, and that
there was danger of it getting into the
Louisian Brother's coffee plantation.
Mr. Boyd and I talked the matter over,
and concluded that the best thing to do
would be for me to return to Hamakua,
and be present at the inquest that was
supposed to take place next day, I,
along with Chas. Williams, started
for Hamakua early on Monday morning
and arrived in time to accompany the

judge and jury in examining the fire.
Next day an inquest was held in Ha-
makua, and a number of witnesses
were examined, but so close to the per-
son who started the fire was found. I
then, along with W. J. Rickard visited
the Hamakua homesteads.

A number of the homesteaders, who
are convenient to the plantations, are
planting cane on their lands; others
are growing corn, coffee, and vege-
tables. They are suffering a good deal
for want of rain. Between W. J. Rick-
ards and Mr. Horner's home-
steads, there is a narrow strip of land
left as a reserve. Mr. Rickard and Mr.
Horner, when fencing in their own lots,
also fenced this government reserve,
and they are willing to plant this piece
of land with forest trees, at their own
expense, provided the government will
give them the seeds and plants. By
doing this they will improve the gov-
ernment property, and at the same
time after the trees grow up, they will
set as a windbreak for their home-
steads. I think work of this kind
ought to be encouraged and every as-
sistance possible given to those who
are willing to do such work.

I joined Mr. Boyd and Mr. Campbell
when they arrived from Kohala and
we started for Waipio valley. We arrived
there on Saturday evening and stayed
until Monday morning. The green and
healthy vegetation was quite a change
from the dusty roads and the dried up
plantations only a few miles distant.
The vegetation there is something
luxuriant, and a bath in the stream was
a luxury that we could not ask for in
Hamakua. In our tour through Hamakua
we visited all the plantations en
route. The manager of all these planta-
tions are more or less interested in
trees, and carefully guard the rows
of trees along the roads. They will,
when the weather becomes suitable,
plant more trees along their respective
plantations, and I hope the government
will assist them with plants and seeds
of good forest trees.

On leaving Kahala, where we again
stayed over night, along with Mr. Hor-
ner and Mr. Walker of Oookala planta-
tion, we visited the taro patch where
the fire of July 20th had started. The
fire at this point seems to be entirely
burned out, it having continued its
course deep into the forest miles away,
where it is still burning.

In recommending the planting of the
burned district, I would advise that,
after the fires are out and the soil be-
comes damp enough for planting seeds,
that seeds of different kinds be scatter-
ed here and there all over the burned
section, and if this plan is a success,
a great saving in the way of labor will
be accomplished. The fires have burn-
ed up everything in the way of noxious
weeds that would otherwise grow up
and smother the young seedlings and
the ground is left entirely bare in most
parts so that by trying as soon as the
fires are out and the land suitable, I
have no doubt but this plan will be a
success. We can select trees that will
send up root shoots and seed freely and
that they may in time replant them-
selves. To replant this district in a
general way by raising trees in nurse-
ries and then digging holes and plant-
ing out, will take many years and cost
a great deal of money to do the work.
Of course the first thing that ought to
be done is to fence off the land that is
to be reserved, otherwise the young
seedlings will be apt to get trampled
down and destroyed by the stock.

Respectfully submitted,
DAVID HAUGHS,
Forester.

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class of photographic work
done by
MISS CAROLINE HASKINS
are cordially invited to inspect
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